

Notice of Allowability

Application No.

10/717,965

Examiner

Joseph L. Perrin, Ph.D.

Applicant(s)

NO ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 27 April 2007.
2. ☒ The allowed claim(s) is/are 1 & 3-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT & STATEMENT OF REASONS FOR ALLOWANCE

Response to Arguments

1. Applicant's arguments in view of the amendment filed 27 April 2007, with respect to the rejections under 35 USC §112, second paragraph, and the §102 & §103 rejections of claims 1 & 3-19 have been fully considered and are persuasive. Accordingly, these rejections have been withdrawn.
2. Regarding the provisional double patenting issue, applicant argues that the instant application was filed earlier than the '459 application. This is not persuasive because the filing date alone does not determine whether or not double patenting is proper. For instance, the earlier application may expire (i.e. lack of maintenance fees) leaving only the later application. Thus, without a terminal disclaimer there would be an unjustified extension of patent exclusivity of the invention which has been left to expire. MPEP §804 is unambiguous with respect to treating earlier filed and later filed pending applications:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejectable on other grounds, a terminal disclaimer must be required in the later-filed application before the rejection can be withdrawn.

In the instant case, since the provisional ODP is the only issue remaining in the earlier filed application, no terminal disclaimer is required and the case is permitted to issue.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Ms. Joanna K. Mason on 19 June 2007.
5. The application has been amended as follows:

19. (Currently Amended) A transient vibration sensor assembly for a washing machine, comprising:

- a bracket attached to an inside of a cabinet of a washing machine;
- an arm hinge-coupled to the bracket, wherein one end of the arm is disposed a predetermined distance from a tub of the washing machine that the arm is contacted by the tub and rotates when the tub experiences transient vibration; and
- a sensor mounted on the arm, wherein the sensor senses the transient vibration of the tub and outputs a sensing signal to a controller when the arm rotates, and wherein the sensor comprises a housing having a cavity inside, a transmitter installed at one side of the housing, a receiver installed at the other end of the housing to confront the transmitter and to receive a signal from the transmitter and to output a signal to a controller, and a ball provided in the cavity that moves when the arm rotates.

20. (Currently Amended) The transient vibration sensor assembly as claimed in claim 19, wherein the bracket comprises a first hole provided in a first lateral side thereof, wherein the first hole receives a coupling member that penetrates the cabinet, and a second hole provided at an end of the bracket, wherein the arm comprises a hinge shaft that extends into the second hole and a wall body provided on an upper surface that receives the sensor fitted thereto, ~~and wherein the sensor comprises a housing having a cavity inside, a transmitter installed at one side of the housing, a receiver installed at the other end of the housing to confront the transmitter and to receive a signal from the transmitter and to output a signal to a controller, and a ball provided in the cavity that moves when the arm rotates.~~

Allowable Subject Matter

6. Claims 1 & 3-22 are allowed.

7. The following is a statement of reasons for allowance: The closest prior art of record, CONRATH and LEE, fail to teach each and every limitation of the instant invention. Specifically, the prior art fails to teach or reasonably suggest the claimed washing machine having, *inter alia*, a sensor assembly with an arm rotatably coupled to a bracket which is positioned a predetermined distance from the tub such that the arm is contacted by the tub and rotates when the tub experiences a transient vibration, and a sensor mounted on the arm that senses vibration and outputs a signal to the motor controller when the arm rotates. For at least the foregoing reasons, claims 1 & 3-22 are believed to recite patentable subject matter.


Art Unit: 1746

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP